



# Notice of Allowability

Application No.

10/606,563

Examiner

Albert J. Gagliardi

Applicant(s)

STONE ET AL.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to submissions of 26 July 2004.
2. ☒ The allowed claim(s) is/are 12-21.
3. ☒ The drawings filed on 26 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

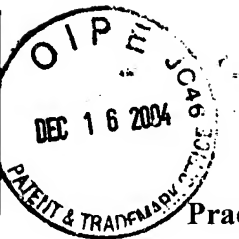
5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**ALBERT J. GAGLIARDI**  
**PRIMARY EXAMINER**



Practitioner's Docket No. 57459/03-379

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Marvin L. STONE et al.  
Serial No.: 10/606,563  
Filed: 06/26/2003  
Confirmation No.: 4700  
Title: Optical spectral reflectance sensor and controller  
Art Unit: 2878  
Examiner: Moran, Timothy J.

**Mail Stop Issue Fee**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)**

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.
2. Copy of Notice of Allowability is attached.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 13, 2004.

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Amy C. Walker  
Signature  
Amy C. Walker  
(type or print name of person certifying)

3. Fee (37 C.F.R. 1.18(a) and (b)):

Application status is:

Regular

Design

( ☒ small business entity—fee

☒ \$ 700.00

☐ \$400.00

☐ other than a small entity—fee

☐ \$1,400.00

☐ \$800.00

4. Payment of fee:

☐ Enclosed please find check for \$\_\_\_\_\_.

☐ Charge Account \_\_\_\_\_ the sum of \_\_\_\_\_.

☐ A duplicate of this request is attached.

☒ Credit Card payment for the sum of \$1,030.00 (\$700.00 for issue fee, \$300 for publication fee, and \$30.00 for 10 copies of patent).

☒ Form PTO-2038 is attached.

☒ Charge Account 06-0540 for any fee deficiency.

Respectfully submitted,



**SIGNATURE OF PRACTITIONER**

12/13/04  
**DATE**

Reg. No.: 36,050

R. Alan Weeks

*(type or print name of practitioner)*

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